the mobile communication device and the radio transmitters transmitting the listened to channels; and

a radio transmitter for transmitting said determined data values to said serving base transceiver station.

REMARKS

1. Claims 1, 7 and 8 are amended. It is respectfully submitted that the amendments to the claims should not require a new search and entry of the amendment is solicited. A marked-up version of the claims is attached hereto.

2. It is respectfully submitted that claims 1-8, as amended, are not anticipated by International Publication WO 96/35306 under 35 USC §102(b). As reflected in the amended claims, the list of the present application is a list having been generated beforehand (i.e. it is a pre-determined list). This is not disclosed or suggested by WO 96/35306. In Applicant's invention, the "pre-determined list" enables the advantage of providing an optimal or near optimal, measurement geometry for position determination.

In WO 96/35306 there is no suggestion or teaching of "pre-determined lists" for position determination. Rather, on page 9, lines 16-19, it is stated that four nearby base stations are used. These are selected on the basis of the signal power that they provide at a mobile unit. There is no "pre-determined list" as claimed by Applicants.

Furthermore, WO 96/35306 does not disclose or suggest an element, such as a mobile positioning centre (MPC) of the

present application where such predetermined lists for positioning purposes would be conveniently kept.

There, since WO 96/35306 does not disclose each feature of Applicants' invention as claimed, WO 96/35306 does not anticipate Applicant's invention under 35 USC §102(b).

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $110 is enclosed for a one month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Geza C. Ziegler, Jr.
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1/09/2002
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231.

Date: 1/9/02

Signature: Caun Marsh
Person Making Deposit

Application No.: 09/231,066

Marked Up Claim(s)

1. (Amended) A method of determining the position of a mobile communications device within a cellular network, the method comprising the steps of:

transmitting data to the mobile communication device from the cellular network, said data identifying to the mobile communication device a pre-determined list of radio channels corresponding to respective radio transmitters of the cellular network, said pre-determined list being determined on the basis of the approximate position of the mobile communication device; and

causing the mobile communication device to listen on said identified channels, or on other channels excluding said identified channels, and to determine from information transmitted over the listened to channels data values related to the relative geometry of the mobile communication device and the radio transmitters transmitting the listened to channels; and

determining the position of the mobile communication device using said determined data values.

7. (Amended) Apparatus for determining the position of a mobile communications device within a cellular network, the apparatus comprising:

a base transceiver station for transmitting data to the mobile communication device from the cellular network, said data identifying to the mobile communication device a pre-determined list of radio channels corresponding to respective radio transmitters of the cellular network, said pre-determined list being determined on the basis of the approximate position of the mobile communication device;

a radio receiver at the mobile communication device for listening on said identified channels, or on other channels excluding said identified channels;

first signal processing means coupled to said radio receiver for determining from information transmitted over the listened to channels data values related to the relative geometry of the mobile communication device and the radio transmitters transmitting the listened to channels; and

second signal processing means for computing the position of the mobile communication device using said determined data values.

8. (Amended) A mobile communications device comprising:

a radio receiver for receiving data transmitted from a serving base transceiver station of a cellular radio network, said data identifying to the mobile communication device a pre-

determined list of radio channels corresponding to respective radio transmitters of the cellular network, and said pre-determined list being determined on the basis of the approximate position of the mobile communication device, and said radio receiver being arranged to listen on said identified channels, or on other channels excluding said identified channels;

first signal processing means coupled to said receiver for determining from information transmitted over the listened to channels data values related to the relative geometry of the mobile communication device and the radio transmitters transmitting the listened to channels; and

a radio transmitter for transmitting said determined data values to said serving base transceiver station.